

# CADWALADER

Cadwalader, Wickersham & Taft LLP  
New York London Charlotte Washington Beijing

One World Financial Center, New York, NY 10281  
Tel 212 504 6000 Fax 212 504 6666  
www.cadwalader.com

May 22, 2008

**MEMO ENCLOSED**

VIA FACSIMILE

Honorable Charles L. Bricant  
United States District Judge  
United States District Court for the  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601-4150

*Recheduled for 10:00 AM - 12:00  
on June 25, 2008 and 9:30 AM -  
12:00 on June 26, 2008  
So ordered  
Charles L. Bricant  
USA*

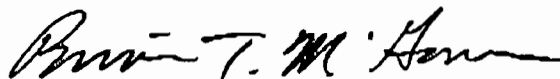
Re: John E. Andrus Memorial, Inc. (d/b/a Andrus on Hudson) v. Daines  
07-CV-3432 (CLB) (KNF)

Dear Judge Bricant:

As Your Honor is aware, we represent the plaintiff John E. Andrus Memorial, Inc. (the "Andrus") in the above-referenced action. At the Court's direction and after conferring with Assistant Attorney General Gasior, I write to advise that the parties are available, and counsel have agreed on June 25 and June 26, 2008 as dates for the hearing on the Andrus' pending motion for a preliminary injunction. The parties are prepared to proceed on those dates subject to the Court's availability and convenience.

We thank the Court for its attention to this matter.

Respectfully,



Brian T. McGovern

cc: John Peter Gasior, Esq. (via facsimile)

Brian T. McGovern Tel 212 504 6117 Fax 212 504 6666 brian.mcGovern@cwt.com